

**City of Killeen**  
Regular City Council Meeting  
Killeen City Hall  
October 21, 2014 at 5:00 p.m.

Presiding: Mayor Scott Cospers

Attending: Mayor Pro-Tem Elizabeth Blackstone, Council members Terry Clark, Juan Rivera, Wayne Gilmore, Jonathan Okray, and Jose Segarra

Absent: Steve Harris

Also attending were City Manager Glenn Morrison, City Attorney Kathryn Davis, City Secretary Dianna Barker, and Sergeant-at-Arms Bradley.

Randy Boggs gave the invocation, and Mayor Pro-Tem Blackstone led everyone in the pledge of allegiance.

### **Approval of Agenda**

*Motion was made by Mayor Pro-Tem Blackstone to approve the agenda moving OR-36 up to the first of the agenda. Motion seconded by Councilmember Gilmore. The motion carried unanimously.*

### **Ordinances / Resolutions**

**OR-14-036** Consider a memorandum/resolution appointing and swearing in new members of the Killeen Volunteers, Inc. - Youth Advisory Commission.

**Staff comments:** Roxanne Flores

The members (35 students) of the Killeen Volunteers, Inc.-Youth Advisory Commission for the 2014-2015 year were present and sworn in by Mayor Cospers.

*Motion was made by Mayor Pro-Tem Blackstone to approve OR-036. Motion was seconded by Councilmember Segarra. Motion carried unanimously.*

### **Consent Agenda**

**CA-14-136** Consider minutes of Regular City Council meeting of September 23, 2014.  
No Changes.

**CA-14-137** Consider a memorandum/resolution authorizing the City Manager to enter into an Advance Funding Agreement with the Texas Department of Transportation for the Elms Road Highway Safety Improvement Program (HSIP) Grant project for safety improvements on Elms Road.

**Staff comments:** George Lueck

This grant will add sidewalks and lighting. By entering into this agreement with TxDOT, the City is agreeing to commit to the project's design, environmental

assessment, funding of a 10 percent portion of construction costs, and maintenance of improvements following completion of construction. The total fiscal impact associated with this project is approximately \$111,895. City staff recommends that the City Council authorize the City Manager to enter into an AFA with the TxDOT for the Elms Road HSIP grant and authorize the issuance of an initial payment and subsequent payment to the TxDOT to move forward with the project, and that the City Manager be further authorized to execute any and all change orders within the amounts established by state and local law.

- CA-14-138** Consider a memorandum/resolution approving a three-year lease with a procurement option for an integrated tool carrier backhoe through the state cooperative (TASB BuyBoard) for the Street Services Division.

**Staff comments:** Scott Osburn

City staff recommends that it is not in the City's best interest to exercise the purchase option on the current piece of equipment due to its age and current condition. City staff has received a proposal from Holt Cat of Waco, Texas, for a new lease on a 2014 420FIT ITC Backhoe. The proposed lease is for a three (3) year term at a cost of \$1,765.92/month, resulting in a yearly total of \$21,191.04. The lease also includes a purchase option at the end of the lease term in the amount of \$48,960.00. City staff recommends that City Council authorize the City Manager to execute the proposed lease agreement to secure the ITC Backhoe from Holt Cat of Waco, Texas, through the TASB BuyBoard and further authorize the City Manager to execute any and all change orders within the amount set by the state and local law.

- CA-14-139** Consider a memorandum/resolution authorizing the award of Bid No. 14-22 for a construction contract to Gary W. Purser, Ltd. for the Elms Road Extension Project.

**Staff comments:** Scott Osburn

The purpose of this resolution is to award a contract for the construction of the Elms Road Extension project identified as priority 3 in the referenced resolution. This project consists of approximately 0.75 miles of new four lane roadway and associated improvements. Three (3) bidders submitted bids on the project. City staff recommends that the City Council award a construction contract to the lowest responsible bidder, Gary W. Purser Construction, Ltd. of Killeen, Texas, in the amount of \$3,612,037.29 to construct the Elms Road Extension Project thereby authorizing the City Manager to enter into a contract with the same and, further, that the City Manager be expressly authorized to approve any and all change orders within the amounts established by state and local law.

- CA-14-140** Consider a memorandum/resolution authorizing a professional services contract with L.S. Johnston Architects for the design work and construction documents for the renovation of the Killeen Community Center.

**Staff comments:** Brett Williams

L.S. Johnston Architects has completed preliminary design work for the renovation of the Killeen Community Center. Staff recommends that City Council authorize the City Manager to execute a professional services contract with L.S. Johnston

Architects for an amount not to exceed \$170,000 for the design of the Killeen Community Center and the creation of construction documents and, further, that the City Manager be expressly authorized to approve any and all change orders or supplemental agreements within the amounts set by state and local law.

- CA-14-141** Consider a memorandum/resolution consenting to an assignment of lease from APAC-Texas, Inc. to Ratliff Ready Mix, L.P.

**Staff comments:** Scott Osburn

The attached Assignment and Assumption Agreement (Assignment), if approved, will assign all rights and liabilities associated with the current lease with APAC to Ratliff. City staff recommends that the City Council consent to the proposed Assignment and authorize the City Manager to execute any and all documents necessary to effectuate the Assignment with Ratliff Ready Mix, L.P.

- CA-14-142** Consider a memorandum/resolution authorizing the award of Bid No. 14-23 for the Repetitive Flood Claims Grant Property Demolition project.

**Staff comments:** Kristina Ramirez

Two bids were accepted, Sierra Contracting Corporation - \$57,337.00, and Building Abatement Demotion Company, Inc. - \$80,726.25. The design engineer and public works staff have evaluated the bids for conformance with bid documents and contacted references. City staff recommends that the City Council award Bid #14-23, for the Repetitive Flood Claims Grant Property Demolition project, to Sierra Contracting Corporation in the amount of \$57,377.00, and that the City Manager be expressly authorized to execute any and all change orders within the amounts set by state and local law.

- CA-14-143** Consider a memorandum/resolution authorizing the rejection of Bid No. 14-17 for the Bermuda/Ronstan Phase I project.

**Staff comments:** Kristina Ramirez

One bid was received from SJ&J Construction, L.L.C. Two observations were made following the opening of the submitted bid packet: 1) no acknowledgement of the addendum was present and 2) the wrong bid table was submitted. The design engineer and Public Works staff have evaluated the bid for conformance with the bid documents and recommend rejecting the bid due to its unresponsiveness and excess cost. Following rejection, it is City staff's intent to re-advertise for responsive bids. City staff recommends that the City Council reject one bid submission from SJ&J Construction, L.L.C. for Bid #14-17 for the Bermuda/Ronstan Phase I project.

- CA-14-144** Consider a memorandum/resolution approving a lease renewal for office space at 207 and 209 W. Avenue D.

**Staff comments:** Glenn Morrison

For the past several years, the city has leased these properties to house various divisions (print shop and purchasing dept). The owner has agreed to maintain the monthly lease payments at \$3,000.00 per month for the upcoming term. Staff believes a one-year lease is currently in the best interest of the city. Staff

recommends the City Council authorize the City Manager to execute a one-year lease for 207 (Suites A and B) and 209 W. Avenue D, beginning October 1, 2014.

**CA-14-145** Consider a memorandum/resolution approving Delta Air Lines, Inc. Lease Agreement Addendum No. 6 at Killeen-Fort Hood Regional Airport.

**Staff comments:** Matthew VanValkenburg

Delta Air Lines, Inc. has requested additional exclusive-use space for the purpose of short-term baggage storage at the Killeen-Fort Hood Regional Airport. Staff has identified a 71 sq. ft. room that is available for rent at the airline codified rate of \$2.01 per sq. ft. per month. Approval of Addendum No. 6 to the Delta Air Lines, Inc. lease agreement will add room number A121 to the leased premises and adjust their rents and fees schedule accordingly. Staff recommends the City Council approve Addendum No. 6 to the Delta Air Lines, Inc. lease agreement and authorize the City Manager to execute same.

**CA-14-147** Consider minutes of Special City Council meeting of October 7, 2014.  
No Changes.

*Motion was made by Mayor Pro-Tem Blackstone to approve Consent Agenda items 136 through 147, as presented. Motion was seconded by Councilmember Rivera. Motion carried unanimously.*

### **Public Hearings / Ordinances**

**PH-14-061** HOLD a public hearing and consider an ordinance to amend the Comprehensive Plan's Future Land Use Map (FLUM) from 'Estate' to 'General Commercial' (FLUM#Z14-25) for approximately 7.681 acres out of the R. Cunningham Survey, Abstract No. 199. The property is locally known as 4890 Onion Road, Killeen, Texas.

The City Secretary read the caption of the ordinance.

**AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN'S FUTURE LAND USE MAP FROM 'ESTATE' TO 'GENERAL COMMERCIAL' FOR 7.681 ACRES OF LAND LOCATED ALONG THE EAST RIGHT-OF-WAY OF ONION ROAD, APPROXIMATELY 540 FEET SOUTH OF E. STAN SCHLUETER LOOP (FM 3470), KILLEEN, TEXAS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.**

**Staff comments:** Tony McIlwain

The Planning and Zoning Commission recommended approval of amending the FLUM from 'Estate' to 'General Commercial' by a vote of 8 to 0. An amendment to the FLUM for this property will incentivize capital investment and redevelopment of the property for commercial purposes. The change in the land use designation will be consistent with the existing 'General Commercial' designated areas that abut the subject property.

Mayor Cosper opened the public hearing. With no one appearing the public hearing was closed.

*Motion was made by Councilmember Segarra to approve PH-061. Motion was seconded by Councilmember Rivera. Motion carried unanimously.*

**PH-14-062** HOLD a public hearing and consider an ordinance requested by Jim Dale Hendricks (Case #Z14-25) to rezone approximately 7.681 acres out of the R. Cunningham Survey, Abstract No. 199, from “A” (Agricultural District) and “R-1” (Single-Family Residential District) to “B-5” (Business District). The property is locally known as 4890 Onion Road, Killeen, Texas.

The City Secretary read the caption of the ordinance.

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF KILLEEN BY CHANGING THE ZONING OF CERTAIN PROPERTY OUT OF THE CITY OF KILLEEN, BELL COUNTY, TEXAS, FROM ‘A’ (AGRICULTURAL DISTRICT) AND R-1 (SINGLE FAMILY RESIDENTIAL DISTRICT) TO B-5 (BUSINESS DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.**

**Staff comments:** Tony McIlwain

The applicant is intending to develop the site for prospective commercial and retail use. Staff notified 11 (eleven) surrounding property owners regarding this request and received a written protest from Michael and Debra Atanian, the owners of 5199 Onion Road. The Planning and Zoning Commission recommended approval of "B-3" (Local Business District) zoning by a vote of 8 to 0. The "B-3" zoning district should provide a full range of business uses for the property.

Mayor Cosper opened the public hearing. With no one appearing the public hearing was closed.

*Motion was made by Mayor Pro-Tem Blackstone to approve PH-062 changing the requested B5 zoning to B3. Motion was seconded by Councilmember Okray. Motion carried unanimously.*

**PH-14-063** HOLD a public hearing and consider an ordinance requested by RSBP Developers, Inc. (Case #Z14-26) to rezone approximately 2.029 acres out of the W. L. Harris Survey, Abstract No. 1155, from "B-3" (Local Business District District) to "R-2" (Two-Family Residential District). The property is located east of Lots 5-10, Block 2, Purser Crossing Phase Two, Killeen, Texas.

The City Secretary read the caption of the ordinance.

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF KILLEEN BY CHANGING THE ZONING OF CERTAIN PROPERTY OUT OF THE CITY OF KILLEEN, BELL COUNTY, TEXAS, FROM B-3 (LOCAL BUSINESS DISTRICT) TO R-2 (TWO-FAMILY RESIDENTIAL DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.**

**Staff comments:** Tony McIlwain

RSBP Developers submit this request to rezone 2.029 acres from "B-3" (Local Business District) to "R-2" (Two-Family Residential District) to allow for duplex development. Staff notified 12 (twelve) surrounding property owners regarding this request and received no responses.

The Planning and Zoning Commission recommended approval of "R-2" (Two-Family Residential District) zoning by a vote of 8 to 0.

Mayor Cosper opened the public hearing. With no one appearing the public hearing was closed.

*Motion was made by Councilmember Clark to approve PH-063 approving the R2 zoning. Motion was seconded by Councilmember Rivera. Motion carried unanimously.*

**PH-14-064** HOLD a public hearing and consider an ordinance amending the FY 2014-2015 Annual Budget and Plan of Municipal Services for the City of Killeen by increasing the general fund budget by \$425,665 to cover hail damage repair expenses.

The City Secretary read the caption of the ordinance.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KILLEEN, TEXAS AMENDING THE FY 2014-2015 ANNUAL BUDGET AND PLAN OF MUNICIPAL SERVICES OF THE CITY OF KILLEEN BY INCREASING THE INSURANCE PROCEEDS REVENUE ACCOUNT IN THE GENERAL FUND BY \$135,770 AND THE GENERAL FUND BUDGET BY \$425,665 IN THE NON-DEPARTMENTAL BUILDING MAINTENANCE EXPENDITURE ACCOUNT; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; PROVIDING A SAVINGS CLAUSE AND ESTABLISHING AN EFFECTIVE DATE.**

**Staff comments:** Martie Simpson

City staff filed a claim and TMLIRP approved an initial payment of \$289,894 for hail damage repairs. City staff will file a claim for the remaining balance of \$135,770 after repairs are completed. The budget will be increased by \$425,665.00, therefore, the net effect on the general fund is zero. Staff recommends that the City Council approve the attached ordinance amending the FY 2014-2015 Budget.

Mayor Cosper opened the public hearing. With no one appearing the public hearing was closed.

*Motion was made by Mayor Pro-Tem Blackstone to approve PH-064. Motion was seconded by Councilmember Gilmore. Motion carried unanimously.*

**Adjournment**

With no further business, upon motion being made by Councilmember Blackstone , seconded by Councilmember Rivera , and unanimously approved, the meeting was adjourned at 5:33 p.m.

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Scott Cospers, Mayor

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Dianna Barker, City Secretary